

EXHIBIT B

Vasiliy Lysyy
October 11, 2024

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

TATYANA LYSYY, married, VASILIIY)
LYSYY, married, who are each)
members of a marital community,)
)
 Plaintiffs,)
)
 vs.) No. 2:24-cv-00062-MJP
)
DEUTSCHE BANK NATIONAL TRUST)
COMPANY AND DEUTSCHE BANK NATIONAL)
TRUST COMPANY trustee, a foreign)
corporation, IMPAC SECURED ASSETS)
CORP 2005-62, MORTGAGE PASSTHROUGH)
CERTIFICATES SERIES 2007-1, a)
foreign corporation; QUALITY LOAN)
SERVICE OF WASHINGTON; PMC)
BANCORP, a foreign corporation and)
national association; BANK OF)
AMERICA, NA, Successor by Merger)
to BAC Home Loans Servicing, LP)
fka Countrywide Home Loans)
Servicing LP ("Bank of)
America"), a national association)
and foreign corporation; MERSCORP)
Holdings, Inc., a foreign)
corporation; MORTGAGE ELECTRONIC)
REGISTRATION SYSTEMS, INC., a)
foreign corporation; SELECT)
PORTFOLIO SERVICING, INC., a)
foreign corporation; SAFEGUARD)
PROPERTIES, LLC, a foreign)
corporation; RESIDENTIAL REAL)
ESTATE REVIEW, INC, a foreign)
corporation; MORGAN STANLEY)
PRIVATE BANK, NA, a foreign)
corporation, E*TRADE, a foreign)
corporation; Does 1-20,)
)
 Defendants.)

DEPOSITION OF VASILIIY LYSYY

October 11, 2024

Seattle, Washington

Reporter: John M.S. Botelho, CCR, RPR

Vasiliy Lysyy
October 11, 2024

1 APPEARANCES

2

The Plaintiffs, Appearing Pro Se:

3

VASILIY LYSYY
TATYANA PETROVNA LYSAYA
Pro se

5

6

For Defendants Deutsche Bank National Trust
Company, trustee; Select Portfolio Servicing,
Inc.; and Safeguard Properties, LLC:

8

MIDORI R. SAGARA
Buchalter
1420 Fifth Avenue
Suite 3100
Seattle, Washington 98101-1337
206.319.7052
msagara@buchalter.com

12

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Also Present: Aleksandr V. Lukoff
Ukrainian interpreter
(via videoconference)

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Larisa Horback
Ukrainian interpreter
(via videoconference)

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1 EXAMINATION INDEX

2 EXAMINATION BY: PAGE NO.

3 Ms. Sagara 5

4

5 EXHIBIT INDEX

6 EXHIBIT NO. DESCRIPTION PAGE NO.

7 Exhibit No. 1 Second Amended Notice of 5
Deposition of Vasiliy Lysyy.

8 Exhibit No. 2 Adjustable Rate Note. 20

9 Exhibit No. 3 Deed of Trust. 22

10 Exhibit No. 4 Uniform Residential Appraisal 55
Report; Residential Real
Estate Review analysis;
property inspection report;
Roofing Proposal & Sales
Agreement.

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1 BE IT REMEMBERED that on Friday,
2 October 11, 2024, at 1420 Fifth Avenue, Suite 3100,
3 Seattle, Washington, at 9:05 a.m., before JOHN M.S.
4 BOTELHO, Certified Court Reporter, appeared VASILY
5 LYSYY, the witness herein;

6 WHEREUPON, the following
7 proceedings were had, to wit:

8

9 <<<<< >>>>>

10

11 ALEKSANDR V. LUKOFF

12 and

13 LARISA HORBACK, having been first duly sworn
14 by the Certified Court
15 Reporter to interpret
16 English to Ukrainian and
17 Ukrainian to English,
18 interpreted as follows:

19

20 (All answers are given
21 through the interpreter
22 unless otherwise indicated.)

23 (Interpreter Lukoff begins
24 interpreting.)

25 ////

Vasiliy Lysyy
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1 VASILIY LYSYY, having been first duly sworn
2 by the Certified Court
3 Reporter, deposed and
4 testified as follows:

5

EXAMINATION

7 BY MS. SAGARA:

8 Q My name is Midori Sagara, and I represent Deutsche
9 Bank National Trust Company, as trustee, okay, and
10 Select Portfolio Servicing and Safeguard
11 Properties --

12 INTERPRETER LUKOFF: Interpreter
13 could not hear the name of the property.

14 Q (Continuing by Ms. Sagara) -- and Residential Real
15 Estate Review.

16 Mr. Lysyy, have you ever had your deposition
17 taken before?

18 A I have never had a deposition taken.

19 Q Okay. So we are here for only your deposition right
20 now. And I'm going to enter in as an exhibit the
21 second notice of deposition. You can take a look at
22 it and review. We sent you a copy. And this just
23 scheduled your deposition for today starting at 9.

24 (Exhibit No. 1 marked for
25 identification.)

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1 after all sent me this.

2 Q Mr. Lysyy, my understanding is that you have multiple
3 properties, and so we need to verify which one is
4 actually your residential one.

5 A Well, properties, are you saying I have as many as 50
6 properties or something?

7 Q I'm asking you: Where do you reside currently?

8 (In English) 3109 --

9 MS. LYSAYA: 41.

10 THE WITNESS: (Through interpreter
11 Lukoff) In Fife. 4109 68th Avenue East, Fife.

12 Q (By Ms. Sagara) Okay. And how long have you lived at
13 this address?

14 A It seems to me since the year '12.

15 Q 2012?

16 A Yes.

17 Q Okay. Who else lives with you at the 5 -- is it 54109
18 property?

19 A It's 4109.

20 Q Okay. Who else lives with you at that property?

21 A I, my wife, my son, my daughter. And then we also had
22 my mother, but she passed away several years ago.

23 Q Okay. So aside from the 4109 property, do you own any
24 other properties?

25 A No.

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1 that accurate?

2 A Yes.

3 Q How long did you live in the Auburn property?

4 A It seems like either in '12 or '13 year, it was that we
5 move to Fife.

6 Q Okay. Are you saying that in 2012 or in 2013, you
7 moved to Fife? Okay.

8 A Yes.

9 Q Okay. So you lived in the property for about -- the
10 Auburn property for about nine -- eight or nine years.

11 Does that seem about right?

12 A '12. Fourth, fifth, sixth, seventh, eighth, nine, ten.

13 Q Okay.

14 A A little bit more. Ten. Ten years.

15 Q Okay. Ten years you think you lived at the Auburn
16 property?

17 A Yes.

18 Q Okay. And when you moved into the Auburn property in
19 2004, what was the condition like?

20 A It was in a good condition.

21 Q Okay.

22 A Prior to this, we installed -- installed a new kitchen.
23 We installed a new kitchen. We -- we installed a new
24 countertops.

25 INTERPRETER LUKOFF: Interpreter was

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1 A I don't know. Ask Peter. I gave him authorization.

2 He had been handling all of that property, all of that
3 house.

4 Q Since 2013, how many times have you visited the Auburn
5 property?

6 A Well, like, three times or something to that effect.

7 Q Okay. But only about three times?

8 A Yes, perhaps three or four.

9 Q Okay. I want to go back to something you said.

10 You said that you wanted your son and his wife to
11 move into the Auburn property at some point; is that
12 correct?

13 A Yes, that's how we planned it.

14 Q Okay. And you also said that they couldn't get out of
15 their apartment lease, though.

16 Is that what you said?

17 A Yes. Yes. Because they had a contract, and they could
18 not move out from -- from there. Meanwhile, the house
19 remained empty. It was at that time that Peter was
20 trying to handle the modification. We were in
21 collaboration with the banks.

22 (Clarification by reporter.)

23 (Interpreter Horback begins
24 interpreting.)

25 ////

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1 Q (By Ms. Sagara) So from 2013, did you ever, with
2 Peter -- I'll strike that.

3 From 2013, did you ever try to move anyone else
4 into the property other than your son?

5 A No. Nobody.

6 Q Okay. Did you ever list it to rent publicly?

7 A I planned it, in case if children don't move there, to
8 put it for rent. But I could not do it, because the
9 house was foreclosure.

10 I left it so much of my labor. I left it so much
11 money in that property.

12 Q Okay. But you didn't list it. You actually didn't
13 list it to rent.

14 Is that what you said?

15 A No. Never.

16 Q Okay. And you didn't ever have any renters in there;
17 is that correct?

18 INTERPRETER HORBACK: I'm sorry.

19 "Did you ever have," what?

20 Q (By Ms. Sagara) You didn't ever have any renters in
21 the Auburn property; is that correct?

22 INTERPRETER HORBACK: Renters.

23 Okay. Tenants. Okay.

24 THE WITNESS: (Through Interpreter
25 Horback) No. That's correct. We probably left some

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1 belongings, our belongings there, but we never rented
2 it.

3 MS. SAGARA: Okay.

4 THE WITNESS: (Through Interpreter
5 Horback) And the house was foreclosure.

6 Q (By Ms. Sagara) Okay. And then after 2013, when you
7 moved to Fife, did you ever try on your own to sell the
8 property, the Auburn property?

9 MS. SAGARA: Do you need me to
10 repeat it?

11 (Clarification by reporter.)

12 (Pending question read by the
13 reporter.)

14

15 THE WITNESS: (Through Interpreter
16 Horback) No, I did not try. Because I understood I am
17 not -- I was not capable to sell a house, because I had
18 some balance remaining there.

19 Yes, that's why I asked Peter to contact bank, and
20 I asked if it's possible some sort of forgiveness of
21 fees.

22 Q (By Ms. Sagara) Okay. But you never tried to sell the
23 property, the Auburn property; is that correct?

24 A I did not try. Even now, I receive about 10, 20 text
25 messages: "Sell me your house." "Sell me your

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1 property." But I can't.

2 Q Okay. Was your home ever listed for sale anywhere?

3 A I never listed it.

4 Q Okay. So why would you get text messages to purchase
5 the home in Auburn?

6 A I don't know. Maybe my phone number is listed there.

7 However, people continue to call me, and I don't answer
8 phone.

9 Q Okay. So you haven't -- you've never shown anyone or
10 had anyone go through the property to potentially
11 purchase it; is that correct?

12 A I never did that.

13 Q Okay. When did you start getting these text messages
14 about the home in Auburn?

15 A After Security Guard or Safeguard posted a sign.

16 Q Okay. But I'm asking you about: Can you estimate in
17 what year that you started getting these text messages?

18 A Probably after pandemic.

19 Q So after about 2020, 2021?

20 A Yeah, something like that. '21, '22.

21 Q Okay. So beginning about 2021, you would randomly get
22 text messages from people about purchasing the
23 property, the Auburn property; is that accurate?

24 A Yes.

25 Q Okay.

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1 A Once, a person comes to my house, knocks on my door,
2 and asked to sell me -- to sell him my house in Auburn.

3 Q Okay. When did this happen?

4 A I am not sure. I believe it was in 2022.

5 Q Okay.

6 A He -- it was a Realtor.

7 Q Okay.

8 A He came to my place and asked me to sell a house, that
9 house.

10 Q Okay.

11 A And I asked him, Who are you?

12 And he answered, I'm a Realtor.

13 I ask him, How did you find me? How did you find
14 my phone? Why did you come here in my house?

15 He said, Oh, your phone is listed there.

16 Q Okay. So when this Realtor came to your Fife property
17 in 2022, was he asking personally to buy the Auburn
18 property, or was he asking to try and help you sell the
19 Auburn property?

20 A He wanted to purchase it personally.

21 Q Okay. Do you remember his name?

22 A (In English) No.

23 Q Did you ever follow up with him?

24 INTERPRETER HORBACK: Should I
25 interpret this?

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1 MS. SAGARA: No. I got it. I got
2 it.

3 Q (By Ms. Sagara) Did you ever follow up with this
4 Realtor?

5 A No, I haven't seen him anymore.

6 Q Okay. Did you ever follow up with any of the text
7 messages that you received on the Auburn property?

8 A No. I forwarded them to Peter.

9 Q Okay. Do you know what he did, what Peter did with
10 those text messages?

11 A I don't know what he did.

12 Q Okay. You never heard anything more about them; is
13 that accurate?

14 A I don't know what happened after, but notably, I
15 understand. I understand all kind of fees and all kind
16 of charges. I assume it's about \$700,000 I am in debt.

17 But someone ask me to purchase a house. Just
18 they -- you know, it's not a great property, but,
19 "Please sell it to me for 200,000."

20 And I ask him, What about the remaining balance?
21 You want me to pay all the remaining balance for this
22 property? So how do you understand this sort of
23 purchase for \$200,000? To sell this property, I need
24 to receive a paperwork from the bank which would say my
25 balance is zero.

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1 I -- I need permission from bank to do -- to do
2 something with the property.

3 Q Okay. When did you have this conversation with your
4 neighbors?

5 A About two years ago.

6 Q Okay. Do you remember their names?

7 A A person who lived across of my house.

8 Q In Auburn?

9 A Auburn, yeah.

10 Q Do you know their names?

11 A The same name as mine: Vasiliy.

12 Q Okay. Do you remember his last name?

13 A No.

14 Q Okay. Do you know the wife's name?

15 INTERPRETER HORBACK: I'm sorry.

16 "Do you know," what?

17 Q (By Ms. Sagara) Do you recall his wife's name?

18 A No. Yeah, no.

19 Q Do you keep in touch with any of your other neighbors
20 from the Auburn property?

21 A When I passed by, I noticed cars had been changed. So
22 my old neighbors who I knew from -- from past, from --
23 they -- they no longer live there.

24 Q Okay. Did you ever let anyone stay at the Auburn
25 property for free?

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1 A I didn't let anyone to stay or live in that -- in that
2 house. Maybe some homeless people lived there. I'm --
3 I don't know. I'm not sure. Maybe homeless people
4 came there overnight, I assume.

5 Q Do you know that?

6 A I think.

7 Q Why do you think that?

8 A Because of damage. They say I did a lot of damage to
9 the property. I didn't do any damage to the property.
10 The property was in good condition.

11 Q Okay. So did you hear from anyone or did you see
12 anyone go into the property and damage it, like a
13 homeless person?

14 A Peter told me.

15 Q Okay. So when do you think this happened?

16 A I don't know when it happened.

17 Q Okay. How often do you think it happened?

18 A I don't know. I -- I don't know. It happened before a
19 sign was posted by Safety Guard.

20 Q Okay.

21 A He came to that property, and he took some photos.

22 Q And when you say the Safety Guard, do you mean the
23 police?

24 A I mean a person who install that sign.

25 Q Okay. Was that a policeman?

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1 MS. SAGARA: Okay.

2 INTERPRETER LUKOFF: Mm-hmm.

3 Q (By Ms. Sagara) All right. Did you intend, did you
4 mean to leave those things in 2013, or was it just
5 forgotten?

6 A No, I think we have -- I had forgotten about.

7 Q Yeah. Or were they just things that you didn't want?

8 INTERPRETER LUKOFF: Interpreter
9 requests clarification. Counsel, repeat the question.
10 "Or...?"

11 Q (By Ms. Sagara) Were they just things that you didn't
12 want?

13 A No. Probably we forgot them simply.

14 Q Okay. And you said -- what did you say you left in the
15 kitchen?

16 A All was in a good state, good condition. The kitchen,
17 there was a dishwasher installed and everything.

18 Q Okay. But --

19 A It was in a condition that you would move -- you could
20 move and live there right away.

21 Q No, that's not my question, though.

22 Did you leave, like, pots and pans or silverware,
23 like, personal items in the kitchen?

24 A No. That -- those things we did take with us, because
25 we needed them in the new house.

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1 Q Okay. So you just mean that the -- you just meant that
2 the dishwasher was left and that the counters and stuff
3 in the kitchen and cupboards were in good condition.

4 Is that what you meant?

5 A Yes. Everything was in the good state.

6 Q Okay. And you said you left a chair there.

7 What kind of chair was it?

8 A I don't -- I don't remember.

9 Q Was it a kitchen chair? Was it a chair for the dining
10 room?

11 A No, I didn't mean that. I meant that we picked up the
12 thing, but we may have forgotten something in the
13 garage or so. We may have something forgotten.

14 Q Like a tool or something?

15 A No. Actually tools I did take with me.

16 Q Okay. Did you leave any clothing or other toiletries
17 in the house?

18 A No, I don't remember.

19 Q Okay. And you didn't leave -- did you leave any pieces
20 of furniture in the home?

21 A No. We picked up all the furniture with us.

22 Q Okay. So if something was left behind, it was
23 something that you didn't need; is that accurate?

24 A Well, it's not that we did not have a need for it.

25 It's that we did not have an immediate need in that new

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1 or do you want to take a, like, five-minute break now?

2 (Pause in proceedings from
3 11:33 a.m. to 11:50 a.m.)

4 (Interpreter Lukoff continues
5 interpreting.)

6

7 Q (By Ms. Sagara) I just want to go back to the personal
8 property or the time you -- when you moved in about
9 2013.

10 Can you recall anything specifically that you left
11 at that property in 2013?

12 A No, I do not remember.

13 Q Okay. When was the last time you were at the Auburn
14 property?

15 A I do not remember.

16 Q Was it within the last year?

17 A No. Well, I would drive by. But ever since the "no
18 trespassing" sign was placed there, I did not enter the
19 property.

20 Q Okay. And when did you first see the "no trespassing"
21 sign?

22 A Around the year '17, '16. I don't remember. '18.

23 Q Was it before the pandemic?

24 A I think so.

25 Q Okay. That's your memory?

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1 can't -- I can't understand what are you asking me.

2 Q You said at some point that there was a padlock placed
3 on the front door of the property, the Auburn property,
4 and that you couldn't access the property.

5 Do you recall that?

6 A Yes, I could not go inside the property because of
7 padlock.

8 Q Okay. How do you think you were damaged, if at all,
9 because of that padlock?

10 A I don't know about damage. To cut a pipe that way, I
11 could not do it. I don't -- I can't imagine who could
12 do it.

13 Q Not asking you.

14 Do you think you have been harmed because of that
15 padlock was put on the property?

16 A How do you mean harm? You see, I can't do anything
17 with that property. This property still -- still --
18 still on me, and I can't get out for so many years.

19 And I don't understand why.

20 Q Do you mean that you are -- you can't get out of the
21 property because the bank won't modify your loan or
22 they won't forgive some of the debt? Is that what you
23 mean?

24 A Yes. Because there is a huge debt on me. And, you
25 see, so many years passed by. I wouldn't be -- I can't

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1 return it to the bank. I don't make so much money.

2 (Clarification by reporter.)

3

4 Q (By Ms. Sagara) Why did you file this lawsuit? What
5 do you think other than -- I'm going to strike that.

6 Other than not modifying your loan or forgiving
7 your loan, what complaint do you have in this lawsuit?

8 A I want to understand what happened that this property
9 is still on me and I can't get in and this property is
10 still -- is still on me.

11 Q What do you mean by this property is still on you?

12 A Because bank has some claims to me, claims towards me.

13 Q You mean the loan?

14 A All papers are sent to me.

15 Q For the loan; is that correct?

16 A Yes.

17 Q Okay. So other than asking you to pay for the loan,
18 what other complaints do you have against the bank?

19 A To forgive my debt for six, seven years. So six, seven
20 years a property is vacant, and the balance of that
21 probably -- because nobody pays anything towards the
22 property, so the balance is probably very high.

23 Q So your complaint -- as I understand it, your complaint
24 in this lawsuit against the bank is that it does not
25 forgive some part of the loan; is that correct?

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1 A Yes, they did not help me, and now it remained for so
2 many years.

3 Q Okay. So your complaint in this lawsuit is that the
4 bank did not help you. And by that, you mean the
5 modification or debt forgiveness?

6 A I don't know how to do it, but I wish my balance there
7 is 0.00.

8 Q Okay.

9 A And it seems like bank accuses me for doing damage.
10 But I did not do that damage. I did not cut a pipe.

11 Q Okay. So I'm asking you again: Is there anything else
12 that you have a complaint about in this lawsuit?

13 (Interpreter Lukoff begins
14 interpreting.)

15

16 THE WITNESS: (Through Interpreter
17 Lukoff) I no longer know what to say. I no longer
18 know what to say. Because at this point, my blood
19 pressure is probably up to 200. Probably next time, I
20 should be here with a lawyer. I'm not going to be able
21 to answer anything at this time.

22 Q (By Ms. Sagara) Okay. You stated during this morning
23 that you -- you complain that the bank did not modify
24 your loan or did not forgive some of the debt.

25 Do you have any other complaints in this lawsuit?

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1 A When Obama was in power, he was giving money to a lot
2 of the banks so that they could forgive debts, because
3 there was a great collapse.

4 Q Okay. Listen to the question.

5 I'm asking: What other complaint in this lawsuit
6 do you have other than that the bank would not forgive
7 your debt?

8 A I will need to meet with my lawyer.

9 Q You don't have a lawyer who has appeared on your
10 behalf, so we're going to proceed.

11 INTERPRETER LUKOFF: Interpreter
12 requests clarification as to the name.

13 THE WITNESS: (Through Interpreter
14 Lukoff) We do have a lawyer. We do have a lawyer. He
15 simply sent an e-mail that he was sick now. He said
16 beginning on Monday, he will send his information.

17 MS. SAGARA: Okay.

18 Q (By Ms. Sagara) Since 2019, have you sought any
19 treatment for anxiety?

20 A I said that there are a lot of surgeries; for example,
21 a hernia or other things. But I don't remember
22 reporting myself for this kind of --

23 Q Okay.

24 A -- thing.

25 Q Since 2019, have you sought any treatment for

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1 Q (By Ms. Sagara) I'm asking you: Since 2019, have you
2 sought any treatment for depression?

3 A No, I did not.

4 Q Okay. In the beginning of this lawsuit, for probably
5 about the six months at least in the beginning of this
6 lawsuit, you didn't have a lawyer, correct?

7 A (Speaking non-English.)

8 Q No. Prior to Richard.

9 A Someone named Richard.

10 Q Prior to Richard, you did not have a lawyer, correct?

11 A No, we didn't think to have one.

12 Q Okay. Who prepared the pleadings? Who prepared the
13 filings in this matter before Richard?

14 A That question is not to me but to Peter.

15 Q Did you prepare any filings in this lawsuit prior to
16 Richard?

17 A No, I did not.

18 MS. SAGARA: Okay. I don't have any
19 further questions. We can go off the record.

20 (Pause in proceedings from
21 12:53 p.m. to 12:54 p.m.)

22

23 Q (By Ms. Sagara) You can review your transcript, what
24 the court reporter is taking down, or you can waive
25 your signature. If you choose to review it, you can

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1 make obvious errors, you know, maybe in spelling or
2 whatnot, but you can't change the substance of your
3 testimony.

4 A When would I be able to review my transcript?

5 Q When the court reporter has finished it.

6 So I'm asking you: Do you want to review it, or
7 do you want to waive reviewing, knowing that you can
8 only review and change anything like a spelling
9 mistake; you can't substantively make changes?

10 A Then it makes no sense for me to review it. Let it be
11 the way it is.

12 MS. SAGARA: Okay. We can go off
13 the record, then.

14 (Signature waived.)

15 (Deposition concluded at

16 12:57 p.m.)

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1 STATE OF WASHINGTON) I, John M.S. Botelho, CCR, RPR,
2 County of Pierce) ss a certified court reporter
) in the State of Washington, do
 hereby certify:

3

4

5 That the foregoing deposition of VASILY LYSYY was
6 taken before me and completed on October 11, 2024, and
7 thereafter was transcribed under my direction; that the
deposition is a full, true and complete transcript of the
testimony of said witness, including all questions, answers,
objections, motions and exceptions;

8

9 That the witness, before examination, was by me duly
sworn to testify the truth, the whole truth, and nothing but
the truth, and that the witness waived the right of
signature;

10

11 That I am not a relative, employee, attorney or counsel
12 of any party to this action or relative or employee of any
such attorney or counsel and that I am not financially
interested in the said action or the outcome thereof;

13

14 IN WITNESS WHEREOF, I have hereunto set my hand
this 21st day of October, 2024.

15

16

17

John M.S. Botelho

18

19

John M.S. Botelho, CCR, RPR
Certified Court Reporter No. 2976
(Certification expires 5/26/2025.)

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